

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

04-CR-6131L

v.

DIANE WEEDEN,

Defendant.

Ms. Weeden has moved for issuance of trial subpoenas (Dkt. #92). In court yesterday (August 10, 2005), I indicated that she could subpoena the witnesses on her list, and I would determine at trial whether they should be allowed to testify. Ms. Weeden indicated she was proceeding under FED. R. CRIM. PROC 17(a) which means that she is responsible for providing the witness with the \$40 witness fee, as well as mileage for attendance. Also, because Ms. Weeden is a party she may **not** serve the subpoena herself. FED. R. CRIM. PROC 17(d).

No subpoenas should be issued for grand jury personnel or for Judge Ninfo. That includes Wendy Adams, Michelle Mann, Williamina A. Coutro, Sandra C. Hewlett. I reserved decision yesterday on whether to allow evidence relating to grand jury proceedings, and it would, therefore, be premature to subpoena these witnesses until the Court has ruled on the pending motions.

IT IS SO ORDERED.



DAVID G. LARIMER

United States District Judge

Dated: Rochester, New York
August 11, 2005.

